

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED

DEC 18 2015

Clerk, U.S. District Court
District Of Montana
Missoula

HEATHER ERIN WYLIE,

CV 15-43-BU-DLC-JCL

Petitioner,

ORDER

vs.

STATE OF MONTANA, BUTTE-
SILVERBOW COUNTY, LEWIS
AND CLARK COUNTY, MONTANA
DEPARTMENT OF CORRECTIONS,
MONTANA WOMEN'S PRISON,

Respondents.

United States Magistrate Judge Jeremiah C. Lynch entered his Order, Findings and Recommendations on August 31, 2015, granting Petitioner Heather Erin Wylie's ("Wylie") Motion to Proceed in Forma Pauperis and recommending dismissing her Petition for Writ of Habeas Corpus. Wylie failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left

with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch’s conclusion that: (1) claims II, III, VII(A), and X fail to allege any constitutional violation and fail to state a federal basis; (2) claims XII, XIII, VI, and XVI(B) are not cognizable under 28 U.S.C. § 2254; (3) claims I, IV, V(A), V(B), V(C), V(D), VII(B), VIII, IX, XI, XIV, XV and XVI(A) are barred as second or successive.

There being no clear error in Judge Judge Lynch’s Findings and Recommendations, IT IS ORDERED that:

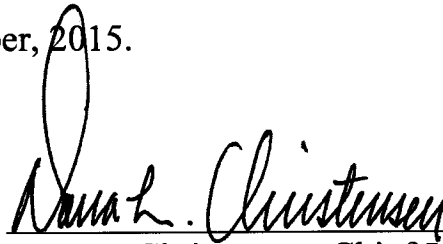
(1) Judge Lynch’s Findings and Recommendations (Doc. 3) are ADOPTED IN FULL.

(2) Wylie’s Petition for Writ of Habeas Corpus (Doc. 1) is DISMISSED.

(3) The Clerk of Court is directed to enter, by separate document, a judgment of dismissal.

(4) A certificate of appealability is DENIED.

Dated this 18th day of December, 2015.

A handwritten signature in cursive script, reading "Dana L. Christensen". The signature is written in black ink and is positioned above a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court